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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

10 THE HACKETT MILLER COMPANY, INC., a
11 Nevada corporation.

12 || Plaintiff,

13 || v.

14 GFOUR PRODUCTIONS, LLC, a Florida limited
15 liability company; and SPOTLIGHT RIGHTS,
LLC, a Florida limited liability company,

16 || Defendants.

| Case No.: 2:16-cv-00418-RFB-NJK

**STIPULATION AND (PROPOSED)
ORDER FOR EXTENSION OF TIME
FOR PARTIES TO FILE A
DISCOVERY PLAN AND
SCHEDULING ORDER PURSUANT
TO THE COURT'S ORDER DATED
MARCH 31, 2017**

(Fourth Request)

18 Plaintiff THE HACKETT MILLER COMPANY, INC. (“Plaintiff”), and Defendants
19 GFOUR PRODUCTIONS, LLC and SPOTLIGHT RIGHTS LLC (“Defendants”), by and
20 through their undersigned counsel, hereby stipulate and agree to a fourth extension of time of 14
21 days up to and including June 9, 2017, for the parties to file a Joint Discovery Plan and Scheduling
22 Order with the Court pursuant to the Court’s Minute Order dated March 31, 2017 (ECF No. 29).

23 On March 30, 2017, the Court denied without prejudice Defendant's Motion to Dismiss
24 for (1) Lack of Personal Jurisdiction, (2) Failure to Join a Necessary Party, and (3) Improper
25 Venue, and (4) Request to Transfer Venue (ECF No. 22) and ordered the parties to engage in
26 jurisdictional discovery for a period of 60 days commencing March 31, 2017, and to submit a
27 joint proposed discovery/scheduling order within one week from March 31, 2017.

1 On April 7, 2017, the parties filed a stipulation to extend the time to file a discovery plan
2 for 14 days (ECF No. 30) because the parties had reached a settlement framework which would
3 dismiss the action entirely and wanted additional time to allow the parties to finalize settlement
4 in the form of a formal written settlement agreement. On April 10, 2017, the Court granted the
5 stipulation of the parties (ECF No. 31).

6 While Plaintiff's counsel diligently prepared a draft written settlement agreement for
7 Defendants' review, Plaintiff's counsel was unable to obtain client approval on the draft due to
8 vacation travel plans by Plaintiff's principals until April 17, 2017. Defendants' counsel provided
9 proposed revisions to the settlement agreement on April 20, 2017. Because Plaintiff's counsel
10 required additional time to review and discuss Defendants' proposed changes prior to the revised
11 deadline to submit a discovery plan, the parties, on April 21, 2017, filed a second stipulation to
12 extend the time to file a discovery plan for another 14 days (ECF No. 32) to May 5, 2017, which
13 the Court granted on May 2, 2017 (ECF No. 33).

14 On April 24, 2017, the parties' counsel discussed Defendants' latest revisions to the draft
15 settlement agreement. While Defendants' revisions raised some additional issues from Plaintiff's
16 side, counsel for both parties believed that such issues could be worked out among the parties and
17 agreed to continue trying to work towards a mutually acceptable settlement agreement. While
18 Plaintiff's counsel worked diligently on further revisions to the settlement agreement that would
19 address Plaintiff's concerns, Plaintiff's counsel was not able to get client approval on the revised
20 draft prior to sending it back to Defendants' counsel because Plaintiff's primary principal, whom
21 Plaintiff's counsel had been working with in connection with these settlement negotiations,
22 became severely ill and was unable to review and approve the proposed settlement agreement.
23 Plaintiff's counsel also was scheduled to be outside the country from May 5th through May 18th
24 on a two-week vacation that was scheduled back in February (and about which Defendants'
25 counsel was informed by Plaintiff's counsel on March 30, 2017). For these reasons, on May 3,
26 2017, the parties filed a third stipulation to extend the time to file a discovery plan for another 21

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1 days to May 26, 2017, as well as a first stipulation to extend the time for the parties to conduct
2 jurisdictional discovery by 30 days to June 30, 2017 (ECF No. 34), which the Court granted on
3 May 8, 2017 (ECF No. 35).

4 On May 11, 2017, Defendants' counsel wrote back to Plaintiff's counsel with additional
5 revisions to the draft settlement agreement. Because Plaintiff's counsel was traveling overseas at
6 this time, Plaintiff's counsel was unable to respond to Defendants' counsel comments about the
7 revised draft agreement until May 17, 2017. Defendants' counsel prepared a detailed point-by-
8 point response to each of the issues raised in the correspondence from Plaintiff's counsel.
9 Defendants' counsel, after having the chance to discuss with Defendants the points raised by
10 Plaintiff's counsel, responded to Plaintiff's counsel with another revised draft on May 22, 2017.
11 While most of the issues to be worked out between the parties were relatively minor and both
12 sides were optimistic that a middle ground could be reached, the parties were not able to agree on
13 the issue of choice of venue despite Plaintiff's counsel proposing several alternatives as
14 compromises. Counsel for both parties agreed to try and work towards having the agreement in
15 final form in all other respects except for the issue of choice of venue and to address that issue
16 after all other issues had been satisfactorily addressed.

17 On May 23, 2017, after conferring with Plaintiff, Plaintiff's counsel emailed Defendants'
18 counsel a revised settlement agreement making some additional minor changes. On May 25,
19 2017, Defendants' counsel discussed with Plaintiff's counsel a proposed compromise on the
20 choice of venue issue.

21 By this Stipulation, the parties request that the deadline to file a joint proposed discovery
22 plan/scheduling order be extended by 14 days to June 9, 2017. This is the fourth request for an
23 extension of time by both parties to file the joint proposed discovery/scheduling order. Good
24 cause exists for this request because while the parties are very close to having a final draft of a
25 written settlement agreement that is acceptable to both parties, the parties are still attempting to
26 reach a mutually acceptable compromise regarding the choice of venue provision. As of the date
27 of this Stipulation, both sides have reached a compromise in principle regarding this remaining
28 issue, but still require additional time to incorporate language into the agreement which is

1 acceptable to both sides as well as to finalize and execute the final written agreement. For these
2 reasons, this stipulated request is made for good cause and not for purposes of delay.

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4 Dated: May 26, 2017

5 Respectfully Submitted,

6
7 /s/ Ryan Gile
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12 Attorneys for Plaintiff, *The Hackett
Miller Company, Inc.*

13
14 Dated: May 26, 2017

15 Respectfully Submitted,

16
17 /s/ Gene S. Winter
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LLC and Spotlight Rights, LLC*

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28 **IT IS SO ORDERED.**



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30 **RICHARD F. BOULWARE, II**
31 United States District Judge

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33 **DATE: June 16, 2017.**